

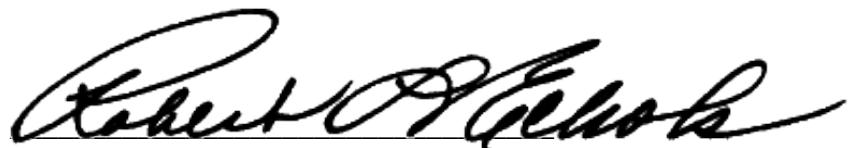
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

THE UNITED STATES OF AMERICA, )  
                                      )  
Plaintiff,                      )  
                                   )  
v.                                )  
                                   )  
MURPHY DEVELOPMENT, LLC., et al., )                                  No. 3:08-0960  
                                   )                                  JUDGE ECHOLS  
                                   )  
Defendants/Third-Party Plaintiffs, )  
                                   )  
                                   )  
v.                                )  
                                   )  
BERNARD WEINSTEIN & )  
ASSOCIATES, et al.,             )  
                                   )  
Third-Party Defendants.        )

**ORDER**

Third-Party Defendant Dale And Associates, Inc. filed a Motion To Dismiss (Docket Entry No. 153). The Court does not require a response because the motion is hereby GRANTED IN PART, DENIED IN PART, and DENIED AS MOOT IN PART, for the reasons stated in the Order entered on October 27, 2009 (Docket Entry No. 150), which is incorporated herein by reference. The motion is granted on the federal and derivative state-law indemnity and/or contribution claims on the basis of Federal Rule of Civil Procedure 12(b)(6), the motion is denied as to any pending state-law claims for breach of contract and negligence, and the motion is denied as moot as to any other basis proffered for dismissal.

It is so ORDERED.



ROBERT L. ECHOLS  
UNITED STATES DISTRICT JUDGE